



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG:MSM
F. #2014R01047

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 29, 2015

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Smalls
Criminal Docket No. 14-414 (BMC)

Dear Judge Cogan:

The government respectfully submits this letter to advise the Court that, in order to avoid undue delay from a trial within the trial, it no longer intends to introduce testimony by members of the Office of Chief Medical Examiner ("OCME") for New York City or other evidence regarding the calculation of a likelihood ratio using the Forensic Statistical Tool at trial in this case. Accordingly, the defendant's motion to suppress [ECF docket entry # 29] should be denied as moot.

The government also respectfully requests that the Court schedule a status conference at its earliest convenience.

Respectfully submitted,

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Acting United States Attorney

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